

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – DETROIT**

**IN THE MATTER OF:**

Charlett Ovet Braxton, Debtor(s).

CHAPTER 13

CASE NO. 14-53222-TJT

JUDGE THOMAS J. TUCKER

**TRUSTEE'S OBJECTIONS TO  
CONFIRMATION OF CHAPTER 13 PLAN**

**NOW COMES**, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E.D. Mich. L.B.R. 3015-3(a) and 11 U.S.C. §1307(c)(5) as follows:

1. The Plan fails to provide that 100% of all future tax refunds received by the debtor during the pendency of the Plan be remitted to the Trustee for distribution among creditors in contravention of 11 U.S.C. 1325(b)(1)(B) and In re Freeman, 86 F.3d 478 (6<sup>th</sup> Cir., 1996).

2. The debtor has altered the following provisions in the Court approved Model Plan which may impact whether the debtor's(s') plan complies with 11 U.S.C. § 1325:

a. The debtor(s) has altered provision **V.H.** regarding creditors who will receive equal monthly payments by **removing** the last sentence in the first paragraph. The Trustee objects to this change to the Court approved model Plan as the debtor has not provided a legal basis to change this provision. Furthermore, the Trustee may be unable to administer this plan provision if a proof of claim is filed that provides a different monthly payment amount than what the plan indicates.

3. The Trustee objects to the debtor's failure to provide complete information in the Bankruptcy Petition Coversheet part III and the Trustee requests an amendment of same.

4. The debtor's Plan fails to provide that all of the debtor's projected disposable income be utilized to fund the Plan. Specifically, the debtor's Schedule J has overstated the following expense(s) in contravention of 11 U.S.C. 1325(a)(3) and/or 11 U.S.C. 1325(b):

a. assistance to mother - \$400. The Trustee objects to this expense as it is not reasonably necessary for the debtor and debtor's dependents. The Trustee requests that the debtor increase best effort by \$400.00 a month.

b. Emergency contingencies - \$50. The Trustee objects to this expense as it is not reasonably necessary for the debtor and debtor's dependents. The Trustee requests that the debtor increase best effort by \$50.00 a month.

The Trustee requests that the debtor provide proof of these expenses within fourteen days.

5. The debtor provides in the Statement of Financial Affairs paragraph number 18 that she owns a business named Hollywood Incorporated. The debtor provides in the Statement of Financial Affairs that she is currently operating this business. The debtor testified at the §341 First Meeting of Creditors that she is no longer operating this business. The Trustee requests that the debtor amend the Statement of Financial Affairs paragraph number 18 accordingly.

**WHEREFORE**, the Chapter 13 Trustee requests this Honorable Court deny confirmation of the debtor's (s') Chapter 13 Plan and dismiss this case pursuant to 11 U.S.C. §1307(c)(5).

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT  
Tammy L. Terry, Chapter 13 Trustee

October 16, 2014

/S/ TAMMY L. TERRY (P-46254) /CS  
Chapter 13 Standing Trustee  
/s/ KIMBERLY SHORTER - SIEBERT (P-49608)  
/s/ MARILYN R. SOMERS-KANTZER (P-52488)  
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**CERTIFICATE OF MAILING**

I hereby certify that on October 16, 2014, a copy of **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** was electronically filed with the Clerk of Court, served electronically to the debtor's(s') attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

/s/ Juatane E. Miller

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